

Calendar No. 264

109TH CONGRESS
1ST SESSION**S. 1170****[Report No. 109–163]**

To establish the Fort Stanton-Snowy River National Cave Conservation Area.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2005

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

OCTOBER 27, 2005

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Fort Stanton-Snowy River National Cave
Conservation Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fort Stanton-Snowy
5 River National Cave Conservation Area Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CONSERVATION AREA.**—The term “Con-
4 servation Area” means the Fort Stanton-Snowy
5 River National Cave Conservation Area established
6 by section 3(a).

7 (2) **MANAGEMENT PLAN.**—The term “manage-
8 ment plan” means the management plan developed
9 for the Conservation Area under section 4(c).

10 (3) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior, acting through the Di-
12 rector of the Bureau of Land Management.

13 **SEC. 3. ESTABLISHMENT OF FORT STANTON-SNOWY RIVER**
14 **NATIONAL CAVE CONSERVATION AREA.**

15 (a) **IN GENERAL.**—There is established the Fort
16 Stanton-Snowy River National Cave Conservation Area in
17 Lincoln County, New Mexico, to secure, protect, and con-
18 serve subterranean natural and unique features and envi-
19 rons for scientific, educational, and other appropriate pub-
20 lic uses.

21 (b) **BOUNDARIES.**—The Conservation Area shall in-
22 clude—

23 (1) the minimum subsurface area necessary to
24 provide for the Fort Stanton Cave, including the
25 Snowy River passage in its entirety (which may in-
26 clude other significant caves); and

1 (2) the minimum surface acreage, as deter-
 2 mined by the Secretary, that is necessary to provide
 3 access to the cave entrance.

4 ~~(c) MAP AND LEGAL DESCRIPTION.—~~

5 (1) IN GENERAL.—As soon as practicable after
 6 the date of enactment of this Act, the Secretary
 7 shall prepare a map and legal description of the
 8 Conservation Area.

9 ~~(2) EFFECT.—~~The map and legal description of
 10 the Conservation Area shall have the same force and
 11 effect as if included in this Act, except that the Sec-
 12 retary may correct any minor errors in the map and
 13 legal description.

14 ~~(3) PUBLIC AVAILABILITY.—~~The map and legal
 15 description of the Conservation Area shall be avail-
 16 able for public inspection in the appropriate offices
 17 of the Bureau of Land Management.

18 **SEC. 4. ADMINISTRATION OF CONSERVATION AREA.**

19 (a) IN GENERAL.—The Secretary shall administer
 20 the Conservation Area—

21 (1) in accordance with the laws (including regu-
 22 lations) applicable to public land and the manage-
 23 ment plan required by this Act; and

24 (2) in a manner that provides for—

1 (A) the conservation and protection of the
2 natural and unique features and environs for
3 scientific, educational, and other appropriate
4 public uses of the Conservation Area;

5 (B) public access, as appropriate, while
6 providing for the protection of the cave re-
7 sources and for public safety;

8 (C) the continuation of other existing uses
9 and new uses of the Conservation Area that do
10 not substantially impair the purposes for which
11 the Conservation Area is established;

12 (D) the protection of new caves within the
13 Conservation Area, such as the Snowy River
14 passage within Fort Stanton Cave;

15 (E) the continuation of such uses on the
16 surface acreage as exist under management ac-
17 tion in place prior to designation of the Con-
18 servation Area by this Act; and

19 (F) scientific investigation and research
20 opportunities within the Conservation Area, in-
21 cluding through partnerships with colleges, uni-
22 versities, schools, scientific institutions, re-
23 searchers, and scientists to conduct research
24 and provide educational and interpretive serv-
25 ices within the Conservation Area.

1 (b) ~~WITHDRAWALS.~~—Subject to valid existing rights,
2 all Federal surface and subsurface land within the Con-
3 servation Area and all land and interests in the surface
4 and subsurface land that are acquired by the United
5 States after the date of enactment of this Act for inclusion
6 in the Conservation Area, are withdrawn from—

7 (1) all forms of entry, appropriation, or disposal
8 under the general land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) operation under the mineral leasing and
12 geothermal leasing laws.

13 (c) ~~MANAGEMENT PLAN.~~—

14 (1) ~~IN GENERAL.~~—Not later than 2 years after
15 the date of enactment of this Act, the Secretary
16 shall develop a comprehensive plan for the long-term
17 management of the Conservation Area.

18 (2) ~~PURPOSES.~~—The management plan shall—

19 (A) describe the appropriate uses and
20 management of the Conservation Area;

21 (B) incorporate, as appropriate, decisions
22 contained in any other management or activity
23 plan for the land within or adjacent to the Con-
24 servation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) engage in a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) ACTIVITIES OUTSIDE CONSERVATION AREA.—

(1) IN GENERAL.—The fact that an activity or use is not permitted inside the Conservation Area shall not preclude—

(A) the conduct of the activity on land, or the use of land for the activity, outside the boundary of the Conservation Area, consistent with other applicable laws (including regulations); or

(B) any activity or use, including new uses, on the surface land above the Conservation Area or on any land appurtenant to that surface land.

(2) MANAGEMENT.—The surface land described in paragraph (1)(B) shall continue to be managed

1 for multiple uses in accordance with all applicable
 2 laws (including regulations).

3 ~~(c) RESEARCH AND INTERPRETIVE FACILITIES.—~~

4 ~~(1) IN GENERAL.—~~The Secretary may establish
 5 facilities for—

6 ~~(A) the conduct of scientific research; and~~

7 ~~(B) the interpretation of the historical, cul-~~
 8 ~~tural, scientific, archaeological, natural, and~~
 9 ~~educational resources of the Conservation Area.~~

10 ~~(2) COOPERATIVE AGREEMENTS.—~~The Sec-
 11 retary may enter into cooperative agreements with
 12 the State of New Mexico and other institutions and
 13 organizations to carry out the purposes of this Act.

14 ~~(f) WATER RIGHTS.—~~Nothing in this Act constitutes
 15 an express or implied reservation of any water right.

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated such sums
 18 as are necessary to carry out this Act.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Fort Stanton-Snowy*
 21 *River National Cave Conservation Area Act”.*

22 **SEC. 2. DEFINITIONS.**

23 *In this Act:*

24 *(1) CONSERVATION AREA.—*The term “Conserva-
 25 *tion Area” means the Fort Stanton-Snowy River Na-*

1 *tional Cave Conservation Area established by section*
 2 *3(a).*

3 (2) *MANAGEMENT PLAN.*—*The term “manage-*
 4 *ment plan” means the management plan developed*
 5 *for the Conservation Area under section 4(c).*

6 (3) *SECRETARY.*—*The term “Secretary” means*
 7 *the Secretary of the Interior, acting through the Di-*
 8 *rector of the Bureau of Land Management.*

9 **SEC. 3. ESTABLISHMENT OF FORT STANTON-SNOWY RIVER**
 10 **NATIONAL CAVE CONSERVATION AREA.**

11 (a) *IN GENERAL.*—*There is established the Fort Stan-*
 12 *ton-Snowy River National Cave Conservation Area in Lin-*
 13 *coln County, New Mexico, to secure, protect, and conserve*
 14 *subterranean natural and unique features and environs for*
 15 *scientific, educational, and other appropriate public uses.*

16 (b) *BOUNDARIES.*—*The Conservation Area shall in-*
 17 *clude—*

18 (1) *the minimum subsurface area necessary to*
 19 *encompass the “Ft. Stanton Cave” and the “Newly*
 20 *Discovered Cave”, as depicted on the map entitled*
 21 *“Fort Stanton Cave” and dated March 29, 2005; and*

22 (2) *the minimum surface acreage, as determined*
 23 *by the Secretary, that is necessary to provide access*
 24 *to the cave entrance, but not to exceed 40 acres.*

25 (c) *MAP AND LEGAL DESCRIPTION.*—

1 (1) *IN GENERAL.*—As soon as practicable after
 2 the date of enactment of this Act, the Secretary shall
 3 establish detailed boundaries and prepare a map and
 4 legal description of the Conservation Area that depicts
 5 the minimum acreage necessary to encompass the
 6 land described in subsection (b), based on the smallest
 7 legal subdivision described in not less than 40 acre al-
 8 iquot parts.

9 (2) *EFFECT.*—The map and legal description of
 10 the Conservation Area shall have the same force and
 11 effect as if included in this Act, except that the Sec-
 12 retary may correct any minor errors in the map and
 13 legal description.

14 (3) *PUBLIC AVAILABILITY.*—The map and legal
 15 description of the Conservation Area shall be avail-
 16 able for public inspection in the appropriate offices of
 17 the Bureau of Land Management.

18 **SEC. 4. MANAGEMENT OF THE CONSERVATION AREA.**

19 (a) *IN GENERAL.*—The Secretary shall administer the
 20 Conservation Area—

21 (1) *in accordance with the laws (including regu-*
 22 *lations) applicable to public land and the manage-*
 23 *ment plan required by this Act; and*

24 (2) *in a manner that provides for—*

1 (A) *the conservation and protection of the*
2 *natural and unique features and environs for*
3 *scientific, educational, and other appropriate*
4 *public uses of the Conservation Area;*

5 (B) *public access, as appropriate, while*
6 *providing for the protection of the cave resources*
7 *and for public safety;*

8 (C) *the continuation of other existing uses*
9 *and new uses of the Conservation Area that do*
10 *not substantially impair the purposes for which*
11 *the Conservation Area is established;*

12 (D) *management of the surface area over-*
13 *lying the Conservation Area in accordance with*
14 *the Fort Stanton Area of Critical Environmental*
15 *Concern Final Activity Plan dated March, 2001;*
16 *and*

17 (E) *scientific investigation and research op-*
18 *portunities within the Conservation Area, in-*
19 *cluding through partnerships with colleges, uni-*
20 *versities, schools, scientific institutions, research-*
21 *ers, and scientists to conduct research and pro-*
22 *vide educational and interpretive services within*
23 *the Conservation Area.*

24 (b) *WITHDRAWALS.—Subject to valid existing rights,*
25 *all Federal surface and subsurface land within the Con-*

1 *ervation Area and all land and interests in the surface*
2 *and subsurface land that are acquired by the United States*
3 *after the date of enactment of this Act for inclusion in the*
4 *Conservation Area, are withdrawn from—*

5 *(1) all forms of entry, appropriation, or disposal*
6 *under the general land laws;*

7 *(2) location, entry, and patent under the mining*
8 *laws; and*

9 *(3) operation under the mineral leasing and geo-*
10 *thermal leasing laws.*

11 *(c) MANAGEMENT PLAN.—*

12 *(1) IN GENERAL.—Not later than 2 years after*
13 *the date of enactment of this Act, the Secretary shall*
14 *develop a comprehensive plan for the long-term man-*
15 *agement of the Conservation Area.*

16 *(2) PURPOSES.—The management plan shall—*

17 *(A) describe the appropriate uses and man-*
18 *agement of the Conservation Area;*

19 *(B) incorporate, as appropriate, decisions*
20 *contained in any other management or activity*
21 *plan for the land within or adjacent to the Con-*
22 *servation Area;*

23 *(C) take into consideration any information*
24 *developed in studies of the land and resources*
25 *within or adjacent to the Conservation Area; and*

1 (D) provide for a cooperative agreement
 2 with Lincoln County, New Mexico, to address the
 3 historical involvement of the local community in
 4 the interpretation and protection of the resources
 5 of the Conservation Area.

6 (d) *ACTIVITIES OUTSIDE CONSERVATION AREA.*—The
 7 establishment of the Conservation Area shall not—

8 (1) create a protective perimeter or buffer zone
 9 around the Conservation Area; or

10 (2) preclude uses or activities outside the Con-
 11 servation Area that are permitted under other appli-
 12 cable laws, even if the uses or activities are prohibited
 13 within the Conservation Area.

14 (e) *RESEARCH AND INTERPRETIVE FACILITIES.*—

15 (1) *IN GENERAL.*—The Secretary may establish
 16 facilities for—

17 (A) the conduct of scientific research; and

18 (B) the interpretation of the historical, cul-
 19 tural, scientific, archaeological, natural, and
 20 educational resources of the Conservation Area.

21 (2) *COOPERATIVE AGREEMENTS.*—The Secretary
 22 may enter into cooperative agreements with the State
 23 of New Mexico and other institutions and organiza-
 24 tions to carry out the purposes of this Act.

1 (f) *WATER RIGHTS.*—*Nothing in this Act constitutes*
2 *an express or implied reservation of any water right.*

3 ***SEC. 5. AUTHORIZATION OF APPROPRIATIONS.***

4 *There are authorized to be appropriated such sums as*
5 *are necessary to carry out this Act.*

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